

ATTORNEY'S DOCKET NO: D00188/70125 JH TED STATES PATENT AND TRADEMARK OF

Applicant:

Cherok, et al

Application No.: Confirmation No. 09/661,623

8712

Filed:

September 14, 2000

For:

IMPLANTABLE PROSTHESIS

Examiner:

W. Matthews

Art Unit:

3738

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, Washington, D.C. 20231, on March 12, 2002.

COMMISSIONER FOR PATENTS WASHINGTON, D.C. 20231

Sir:

Transmitted herewith are the following documents:

- 1. Supplemental Information Disclosure Statement;
- 2. Form PTO-1449 and References; and
- 3. Return Receipt Postcard.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

No fee is due. If it is determined that a fee is due, it may be charged to the account of the undersigned, Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

> Respectfully submitted, Cherok, et al, Applicants

James M. Hanifin, Jr., Reg. No. WOLF, GREENFIELD & SACKS, P.C.

Federal Reserve Plaza 600 Atlantic Avenue Boston, MA 02210 Tel. (617) 720-3500

Docket No. D00188/70125 JH

Date: March 12, 2002

XNDD

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IN THE UNITED S PATENT AND TRADEMARK OFFICE MAR 2 6 2002
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Commissioner for Patents Washington, D.C. 20231

> SUPPLEMENTAL STATEMENT FILED PURSUANT TO THE DUTY OF DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

Serial No.: 09/661,623 - 2 - Art Unit: 3738

PART III: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):

The relevance of French reference FR 2 145 975 may be determined from its English translation attached thereto.

The relevance of PCT reference WO 01/85060 may be gleaned from its drawings and the English abstract attached thereto.

PART IV: Remarks

Documents cited on the attached form PTO-1449 (modified) are enclosed unless otherwise indicated on the attached form PTO-1449 (modified). It is respectfully requested that:

- 1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
- 2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
 - 3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted, Cherok, et al, Applicant(s)

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600 Atlantic Avenue Boston, MA 02210

Telephone (617) 720-3500

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